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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,253	03/09/2005	Sebastian Hallensleben	P17536-US1	2834
27045	7590	04/26/2010	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			GYORFI, THOMAS A	
			ART UNIT	PAPER NUMBER
			2435	
			NOTIFICATION DATE	DELIVERY MODE
			04/26/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/527,253	Applicant(s) HALLENSLEBEN, SEBASTIAN
Examiner Thomas Gyorfi	Art Unit 2435

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 April 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-4 and 7-17.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Kimyen Vu/
Supervisory Patent Examiner, Art Unit 2435

Continuation of (7): Applicant's arguments have been fully considered but they are not persuasive. First, while the prior art may teach a plurality of identifiers used in varying capacities, Examiner repeats that the specific identifier EF2 satisfies the requirements explicitly recited in at least the independent claims - a point that Applicant has apparently conceded in the amendment [page 8: "Receiving EF2 from the network 129 by the authentication server 137/gatekeeper 135 and sending EF2 back to the network 129 indicates that the user access the application through the authentication server 137 and the network 129"]. The fact that there exists another identifier EF1 used in an unrelated capacity completely outside the scope of the claimed subject matter has no bearing on the fact that EF2 behaves in exactly the manner that has been claimed; and thus discussion of EF1 is irrelevant. Furthermore, although Applicant believes that the claim language somehow precludes the use of other identifiers used elsewhere, in actuality no such claim limitation is actually present, and limitations from the instant specification are not read into the claims. In re van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1999).

Second, Applicant once again argues that the "network" of the claims/instant specification is a construct completely independent of the various elements that those of ordinary skill in the art would have understood a network to comprise: e.g. routers, gateways, servers, clients, etc. The instant specification fails to provide any adequate guidance as to what exactly constitutes the "networks" of that invention, let alone how a "network" can perform any of the functions attributed to it in the claims without the use of some kind of server providing authentication functionality. [see also the Non-Final Office Action of 4/28/09, pages 2-3, paragraph #4]. Referring back to Anton, the authentication web server 137 is not directly connected to network 129 but is nevertheless connected to the Internet; thus in the broadest reasonable sense the Internet could be understood to be the second network, with the authentication server being the specific component thereof that performs the disputed limitations. Alternatively, those of ordinary skill in the art would have implicitly understood that the Internet by definition is a "network of networks", and as such any device with Internet connectivity must necessarily be a member of one or more local area networks; in other words, this arrangement corresponds to the structure disclosed by the related Inoue reference (Figures 1 & 2). In either case, there are clearly a minimum of two networks present, with the second network of the prior art performing the claimed recitations by virtue of possessing an authentication server/home agent that implements said limitations on behalf of said second network. Examiner earnestly solicits Applicant's opinion as to how a "network" of the instant invention can perform the limitations attributed to it without necessarily possessing an authentication server, home agent, or the like, citing the appropriate disclosure from the instant specification.